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The incarceration of Aboriginal people in adult correctional services

by Samuel Perreault

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Symbols

. not available for any reference period
.. not available for a specific reference period
... not applicable
0 true zero or a value rounded to zero
0^s value rounded to 0 (zero) where there is a meaningful distinction between true zero and the value that was rounded
^{p} preliminary
^{r} revised
x suppressed to meet the confidentiality requirements of the *Statistics Act*
^{E} use with caution
F too unreliable to be published

The incarceration of Aboriginal people in adult correctional services: Highlights

- In 2007/2008, there were about 369,200 admissions to correctional services, unchanged from 2006/2007. Most admissions (42%) were to remand, followed by provincial and territorial sentenced custody (23%), and probation (22%).

- In 2007/2008, Aboriginal adults accounted for 22% of admissions to sentenced custody, while representing 3% of the Canadian population.

- From 1998/1999 to 2007/2008, there has been a slower decrease in the number of Aboriginal people admitted to provincial and territorial sentenced custody compared to non-Aboriginal persons, according to jurisdictions that consistently reported data during this period. Consequently, their proportion increased from 13% to 18%. Among females, the increase in representation was even greater, moving from 17% to 24%.

- Among the provinces, the representation of Aboriginal adults in custody was higher in the west. For example, in Saskatchewan, Aboriginal adults represented 81% of the admissions to provincial sentenced custody while they represent 11% of the general population in this province.

- The demographic profile of the Aboriginal population only partially explains the representation of Aboriginal adults in custody. Even when taking age into account, Aboriginal adults remain more represented in custody than non-Aboriginal adults.

- Employment and education characteristics of young Aboriginal adults explain about half of their over-representation in custody.

The incarceration of Aboriginal people in adult correctional services

By Samuel Perreault

The over representation of Aboriginal people in correctional services is an issue that has been known for many years. In 1989, the issue of over representation of Aboriginal people in the criminal justice system was raised by the *Royal Commission into the Donald Marshall, Jr. Prosecution*. In 2002, the Auditor General of Canada identified a lack of information on this issue (Auditor General of Canada, 2002).

Aboriginal peoples occupy a distinct social, cultural and political status within Canada as bearers of constitutionally protected Aboriginal and Treaty rights. As such, governments need reliable data to ensure an equitable justice system and to put in place effective policies to address the representation of Aboriginal people in the criminal justice system (Kong and Beattie, 2005).

To date, statistical information on the factors contributing to the representation of Aboriginal adults in custody has been limited. Since 1978, the Canadian Centre for Justice Statistics (CCJS), through the Adult Correctional Services Survey (ACS), has collected data on the number of adults admitted to and released from correctional services in Canada. This survey permits analysis of trends in admissions and releases, including the number of Aboriginal adults admitted to custody each year, but allows little analysis on the factors contributing to incarceration.

A detailed micro data survey was developed by the CCJS and its partners in correctional services in order to have richer data to better respond to policy issues affecting correctional services. The Integrated Correctional Service Survey (ICSS) collects detailed information on the characteristics of each adult entering correctional services, including age, their highest level of education attained, their employment status prior to entering correctional services and their rehabilitation needs. For the reporting year 2007/2008, the following jurisdictions were reporting to the ICSS: Newfoundland and Labrador, Nova Scotia, New Brunswick, Ontario, Saskatchewan, Alberta, and the Correctional Service of Canada (which is responsible for offenders sentenced to prison for two years or more).

With the ICSS data, it is therefore possible to conduct certain analysis to better understand the factors that may influence incarceration.

This *Juristat* article first presents a brief overview of all admissions to correctional services in Canada in 2007/2008. Next, data introducing the representation of Aboriginal people in adult correctional services over time and across jurisdictions is provided. Finally, using data from the ICSS and the 2006 Census, an analysis of certain factors that could be contributing to this representation of Aboriginal adults in custody is presented. The factors examined include age, level of education attained, employment status, and the rehabilitation needs of people admitted to custody as assessed by correctional services staff.

Text box 1
Aboriginal identity

The definition of Aboriginal Identity used in the Integrated Correctional Services Survey (ICSS) was modeled after the definition within the Census.

The concept of Aboriginal Identity within the Census refers to those persons who reported identifying with at least one Aboriginal group (i.e., North American Indian, Métis, or Inuit). Also included are individuals who did not report an Aboriginal identity, but did report themselves as a Registered or Treaty Indian, and/or Band or First Nation membership.

The ICSS collects Aboriginal identity information at admission to correctional services through self identification. At admission, each person is asked to self-identify with at least one Aboriginal classification (including, Non-Aboriginal, Non-Status Indian, North American Indian, Aboriginal—Status unknown, Métis, or Inuit). The data are then reported to the Canadian Centre for Justice Statistics.

Overall, the percentage of unknown admissions to provincial or territorial custody (remand, other temporary detention, or sentenced custody) in 2007/2008 by Aboriginal Identity is low at 1.4%, with Newfoundland and Labrador reporting the highest percentage of unknowns at 6.3%.

Also, it is worth noting that Aboriginal groups are not equally distributed among the provinces and territories. Ontario and the western provinces combined accounted for an estimated 577,300 First Nations people, or four-fifths (83%) of this group's total population. About 158,395 First Nations people (23%) lived in Ontario; 129,580 (19%) lived in British Columbia; 100,645 (14%), in Manitoba; 97,275 (14%), in Alberta; and 91,400 (13%), in Saskatchewan.

In 2006, 87% of all Métis lived in the West and in Ontario. An estimated 7% of the Métis lived in Quebec, 5% in Atlantic Canada and the remainder lived in one of the three Territories. As for Inuit population, 49% of the lived in Nunavut, 19% in Nunavik in northern Quebec, 6% in the Inuvialuit region of the Northwest Territories, and 4% in Nunatsiavut in northern Labrador.

Although some differences may exist among the different Aboriginal groups, Aboriginal peoples will be analysed as a whole for the purpose of this *Juristat* article.

Adult correctional services in Canada

Federal, provincial and territorial governments share the responsibility of the administration of correctional services in Canada. These services include custody as well as community services. Which adult offenders are placed in the federal system and which are placed in the provincial and territorial system depends on decisions taken by the judiciary.

Adult offenders sentenced to custody terms of two years or more fall under the federal penitentiary system. Federal correctional services are provided by the Correctional Service of Canada (CSC), an agency of Public Safety Canada. The CSC is responsible for the administration of sentences and the supervision of offenders. Decisions to grant, deny, cancel, terminate or revoke parole, however, are made by the National Parole Board (NPB), which is also an agency of Public Safety Canada. The NPB is responsible for offenders serving a federal custodial sentence and for offenders serving a provincial/territorial sentence in jurisdictions that do not have their own parole boards, meaning all jurisdictions except Quebec and Ontario. However, at times, "exchange of service agreements" are made with provinces and territories without parole boards in order to have staff from these provinces or territories supervise parolees in their jurisdiction.

Sentences to custody of less than two years and community-based sanctions, such as probation and conditional sentences, are the responsibility of the provinces and territories. In addition, provinces and

territories are responsible for adults who are ordered to be held in custody before or during their trial (i.e., remand, or pre-trial detention) and other forms of temporary detention (e.g., immigration holds). As mentioned above, Quebec and Ontario operate their own provincial parole boards. These boards are authorized to grant releases to offenders serving a sentence of less than two years in a prison in their jurisdiction. Although the federal and provincial and territorial governments are responsible for different populations, they both work toward the same goals: the protection of society, the rehabilitation of offenders and the safe and successful integration of offenders into communities.

Growth in the number of adults admitted to remand continues

In 2007/2008, there were about 369,200 admissions to correctional services, unchanged from 2006/2007. Most admissions (42%) were to remand, followed by provincial/territorial sentenced custody (23%), and probation (22%) (Table 1).

Since the 1980s, all provincial/territorial correctional services have seen a shift in the types of admissions to their institutions whereby the number of adults admitted to remand (custody while awaiting trial or sentencing) has increased and the number of adults admitted to serve a custodial sentenced has decreased (Babooram, 2008; Sinha and Landry, 2008). This long term trend continued in 2007/2008 where, among the 11 reporting jurisdictions, the number of adults remanded into provincial and territorial institutions to await trial or sentencing grew by 2% while those entering provincial/territorial institutions to serve a sentence remained relatively stable (-0.5%) (Table 1).[1]

In 2007/2008, the number of adults admitted to remand increased in all jurisdictions except Alberta (-1.1%) (Table 2). The number admitted to sentenced custody decreased in 6 of the 11 reporting jurisdictions. In contrast, in Nova Scotia, British Columbia, Yukon and the Northwest Territories admissions to both sentenced custody and remand increased. Ontario's admissions to both types of custody remained relatively stable (Table 2). Prior to 1996/1997 individuals were admitted to remand in about the same proportions as sentenced custody. By 1997/1998 the majority of admissions to custody were to remand. Thus, by 2005/2006, on an average day, there were more people held in remand than sentenced custody (Sinha and Landry, 2008).

After three years of increases, federal institutions, which house offenders sentenced to two years or more, saw the number of admissions decrease 1.8% in 2007/2008 (Table 1). The number of adults admitted to federal custody to serve a sentence decreased in all regions, except Quebec (+8.6%).

Number of adults admitted to probation and conditional sentences is relatively stable

Overall, the number of admissions to provincial/territorial community supervision remained unchanged from 2006/2007 to 2007/2008 (declining 0.4%). Admissions to probation—the community corrections program that has traditionally accounted for the greatest number of admissions—remained stable in 2007/2008 (-0.1%) (Table 1).

The implementation of the conditional sentence in 1996 provided the courts with a sanctioning option that permitted a sentence of imprisonment to be served in the community, thus reducing the reliance on incarceration. Conditional sentencing has been viewed as an important factor in the decline in the number of offenders admitted to sentenced custody and the corresponding increase in the admissions of offenders to community supervision (Hendrick, Martin and Greenberg, 2003). Admissions to conditional sentences grew steadily from its implementation to 2004/2005. Following a decline in 2005/2006 and 2006/2007, admissions to conditional sentences increased 0.8% in 2007/2008. (Table 1).

While overall admissions to community corrections remained unchanged, releases to provincial parole decreased 23% from 2006/2007 to 2007/2008, largely due to the closure of British Columbia's provincial parole board as of April 1, 2007. As of that date, and like other provinces and territories that do not have their own parole board, the National Parole Board assumed responsibility for parole decisions relating to offenders serving sentences in British Columbia's provincial correctional facilities and the Correctional Service of Canada assumed the responsibility of supervising provincial parolees in that province. This change partly explains the 23% decline in provincial parole (although releases to provincial parole in Quebec also declined 21% in 2007/2008), as well as the 4.0% increase in community releases supervised by the Correctional Service of Canada (Table 1).

Characteristics of people admitted to correctional services

Typically, a larger proportion of women are admitted to provincial and territorial facilities than federal facilities. In 2007/2008, while women accounted for 12% of all admissions to provincial and territorial sentenced custody, they accounted for 6% of federal admissions. As well, a larger proportion of women also tend to be admitted to community sentences than custody, as women accounted for 18% of admissions to probation and conditional sentences in 2007/2008.

There was some variation in the median age of those admitted to provincial and territorial sentenced custody in 2007/2008, ranging from 28 years in Manitoba to 38 years in Quebec, while the median age of those admitted to federal custody was 33 years. In contrast, there was little difference within provinces and territories in age of those admitted to probation in 2007/2008, ranging from 28 years in Saskatchewan to 33 years in British Columbia and the Yukon.

Representation of Aboriginal adults in custody and community programs remains higher than their representation in the overall population

According to the 2006 Census, 3.1% of adults 18 years or older in Canada self-identified themselves as Aboriginal and this proportion has increased over the previous two Censuses. In comparison, the representation of Aboriginal adults in custody and community correctional programs has traditionally been higher. For instance, in 2007/2008, Aboriginal adults accounted for 17% of adults admitted to remand, 18% admitted to provincial and territorial custody, 16% admitted to probation and 19% admitted to a conditional sentence (Table 3).

Among the various programs, the representation of Aboriginal adults is growing only in admissions to provincial and territorial sentenced custody. From 1998/1999 to 2007/2008, Aboriginal adults as a proportion of adults admitted to provincial and territorial sentenced custody grew steadily from 13% to 18% (Table 3). While the number of admissions to sentenced custody has decreased over time for both Aboriginal and non-Aboriginal adults, declines have been larger for non-Aboriginal adults.

While the number of female offenders is small relative to the total population under supervision by correctional services, Aboriginal females are more represented among the female correctional population than are Aboriginal males within the male correctional population (Table 3).

In all provinces and territories, the representation of Aboriginal adults in correctional services exceeds their representation in the general population, with gaps being wider in some jurisdictions than others (Table 4). For instance, in Quebec the representation of Aboriginal adults in provincial and territorial sentenced custody is two times their representation in the province's general population. In Saskatchewan, the representation is seven times greater.

In addition to being more represented among admissions, Aboriginal adults tend to be admitted more often for violent offences, compared to their non-Aboriginal counterparts. Among the six provinces that reported to the Integrated Correctional Services Survey in 2007/2008, 28% of Aboriginal adults who were admitted to provincial custody had committed violent offences, compared to 25% of non-Aboriginal adults (Table 5). Admissions for serious violent offences (murder, attempted murder and major assault) were more prevalent among Aboriginal adults, as were admissions for common assault.

Factors that may contribute to the Aboriginal population representation in custody

Certain studies (LaPrairie, 2002; Cattarinich, 1996) have put forth that the representation of Aboriginal people in correctional services would be less pronounced if factors such as age, level of education and employment status were taken into account. With the more detailed data being collected through the ICSS, it is now possible to consider a greater number of factors when analyzing the question of representation of Aboriginal adults in custody. Specifically, using data from the ICSS and the 2006 Census, the effects of age, education and employment on the representation of Aboriginal adults in custody will be examined in the following sections. The analysis will focus on the jurisdictions that have provided sufficient data to the ICSS to permit such analysis. These jurisdictions are Saskatchewan, Alberta, Nova Scotia, New Brunswick, Ontario, Newfoundland and Labrador and Correctional Service of Canada.

To analyse the effects of age, education level and employment status, a rate of incarceration for Census Day was calculated. This rate is the number of adults in custody on May 16, 2006 (the day the Census is taken) for every 1,000 persons in the general population[2] that day (see Text box 2).

Text box 2
Census Day incarceration rate

In this report, the term "incarceration rate" refers to the rate of incarceration on Census Day, meaning May 16, 2006. The Census Day incarceration rate represents the number of adults incarcerated on Census Day for every 1,000 population. Incarcerated adults include those serving a sentence, those in detention while awaiting trial or sentencing (also known as remand), or in other temporary detention (e.g., immigration hold). The rate is calculated using the number of adults incarcerated on May 16, 2006 based on data from the Integrated Correctional Services Survey (ICSS).

The Census Day incarceration rate is not an official indicator of the use of incarceration in Canada. The official adult incarceration rate is determined by using the average daily number of adults in custody in a given year for every 10,000 adults in the general population. This average daily number of adults in custody for a given year is collected through the Corrections Key Indicator Reports. This collection tool does not collect average counts based on Aboriginal Identity, which is why this present report has taken the approach of a Census Day incarceration rate using data from the ICSS (which collects information on Aboriginal identity).

Readers should also be aware that, on Census Day, Aboriginal identity and other socio-demographic characteristics are not collected on persons in institutions (including prisons). However, given the small numbers of adults incarcerated on Census Day compared to the general population, this limitation has little effect on the overall rates that are presented in this report.

As such, the Census Day incarceration rate that is presented in this report is a way of estimating the incarceration rate of Aboriginal and non-Aboriginal adults for the purpose of this report only.

Ratio of Aboriginal and non-Aboriginal incarceration rates

The ratio between Aboriginal and non-Aboriginal incarceration rates represents how many times higher the Aboriginal incarceration rate is over the non-Aboriginal incarceration rate. It is calculated by dividing the Aboriginal incarceration rate by the non-Aboriginal incarceration rate. For example, if the Aboriginal incarceration rate is 6 per 1,000 population and the non-Aboriginal rate is 2 per 1 000 population, then the ratio is 3, indicating that the Aboriginal rate is 3 times higher than the non-Aboriginal rate.

Census Day incarceration rates highest among adults aged 20 to 34 years

According to the 2006 Census, the Aboriginal population in Canada is a young population. Compared to the non-Aboriginal population, persons aged 15 to 24 years account for a greater proportion of the Aboriginal population (18% versus 13%). The gap narrows among 25-to-34-year-olds as they account for 14% of the Aboriginal population and 13% of the non-Aboriginal population. People in these age groups are at greatest risk of conflict with the law (Silver, 2007; Wallace, 2004; Boe, 2002).

Boe (2002) has actually compared the demographic situation of the Aboriginal population to the Baby Boom that occurred within the non-Aboriginal population. In essence, Canada experienced a significant increase in its birth rate after World War II. As Boe notes, as this group of "Baby Boomers" reached early adulthood in the years between 1960 and 1970, increases were seen in the crime rate. According to Boe, the same situation is now occurring among the Aboriginal population. As was the case for the non-Aboriginal population in the 60's and 70's, high proportions of the Aboriginal population are now entering the age range where people are more at risk of conflict with the law.

Adults within the youngest age groups had the highest rates of incarceration on Census Day in 2006. For example, on Census Day, the incarceration rates for Aboriginal adults in Saskatchewan aged 20 to 24 years and those aged 25 to 34 years were, respectively, 26.6 and 21.9 per 1,000 population. This rate declines to 17.4 per 1,000 population among the 35-to-44-year-olds, and then to 8.2 per 1,000 population among those aged 45 to 54 years. Among the non-Aboriginal population, incarceration rates also decline with age.

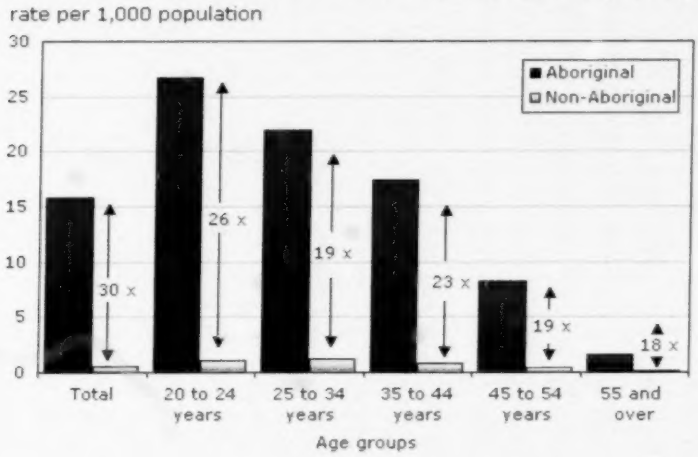
To understand if the relative youthfulness of the Aboriginal population is contributing to the representation of Aboriginal adults in custody, we need to see if the ratio between the incarceration rate for Aboriginal populations and non-Aboriginal populations decreases when we control for age. If this ratio remains the same for each of the specific age groups and for the total, then it can be concluded that age does not have an influence on the representation of Aboriginal adults in custody.

Age partially explains the representation of Aboriginal adults in custody

The fact that the Aboriginal population is young partially explains its representation in custody. This is evident when we compare the ratio between the incarceration rates for the Aboriginal and non-Aboriginal populations for each of the age groups, and find that each of these ratios is generally slightly lower than the ratio between the total population (where age is not considered) (Table 6).

For example, when we do not consider age, the incarceration rate for the Aboriginal population in Saskatchewan on Census Day is about 30 times higher than the rate for the non-Aboriginal population (Table 6). For those 20 to 24, this ratio is lower at 26.1. For those aged 25 to 34 years, this ratio is even lower at 18.6 (Chart 1 and Table 6). In Alberta, the incarceration rate moves from being 11.4 times higher among the total Aboriginal population, to being 8.3 times greater among those aged 20 to 24 and 9.8 times greater among those aged 25 to 34 (Table 6). Similar patterns are observed in the other jurisdictions for which data exist.

Chart 1
Incarceration rate on Census Day, by age groups, Saskatchewan, May 16, 2006



Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey and 2006 Census of Population.

The fact that the ratio between the incarceration rate on Census Day for Aboriginal and non-Aboriginal adults is lower for each of the specific age groups than it is for the total demonstrates that age is a factor that contributes somewhat to the representation of Aboriginal adults in custody. However, even when considering age, Aboriginal adults continue to be more represented in custody compared to their non-Aboriginal counterparts. Other factors, therefore, also likely contribute to this representation.

Education and employment characteristics are factors related to incarceration rates among young adults

Education and employment characteristics are other factors that can influence the risk of criminal behaviour (Brzozowski, Taylor-Butts and Johnson, 2006; Lochner, 2004; LaPrairie, 2002; Boe, 2000). Cattarinich (1996) found that the socio-economic conditions of Aboriginal people provided a better explanation for the representation of Aboriginal people in custody than did age. As higher proportions of the Aboriginal population are without a high school diploma or employment, these could be factors contributing to the representation of Aboriginal adults in custody.

According to the 2006 Census, 38% of Aboriginal people aged 20 years and over had not completed high school, compared to 19% of non-Aboriginal people. As well, that year, the unemployment rate among Aboriginal people was 14%, compared to 6% among non-Aboriginal people.

Census Day incarceration rates based on characteristics of education and employment indicate that these factors influenced incarceration in the jurisdictions for which data exist—Nova Scotia, New Brunswick, Saskatchewan and Alberta. Rates based on education and employment were calculated only for adults aged 20 to 34 years to eliminate the effect that age or characteristics of different generations might have on education and employment levels. Moreover, it is generally accepted that analyses of education level be conducted on those aged 20 years and older (to allow for drop-outs to finish high school). Finally, among the jurisdictions for which data exists, this age group is most highly represented in custody and is the age group among adults that is at highest risk of criminal behaviour.

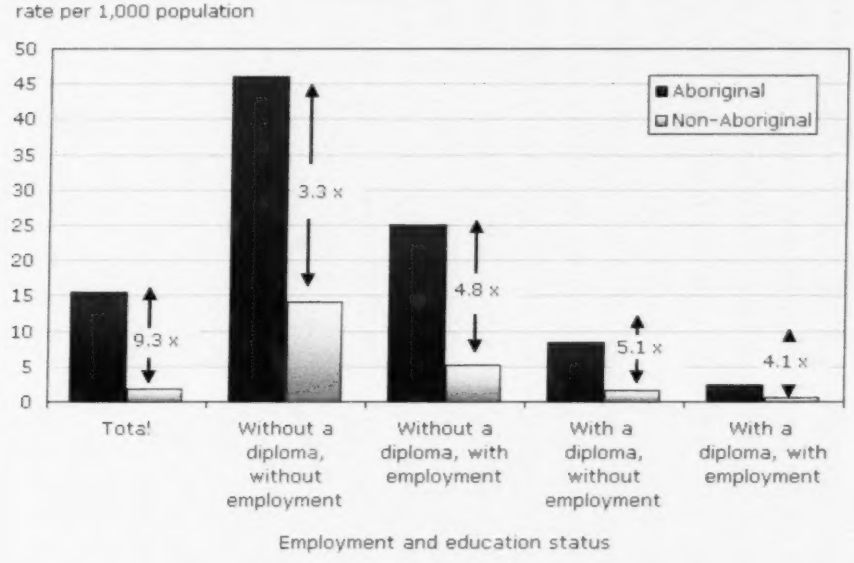
In all the jurisdictions under analysis, the Census Day incarceration rate for Aboriginal adults aged 20 to 34 who were unemployed and without at least a high school diploma was higher than the rate for Aboriginal adults who were employed and had at least a high school diploma. For instance, the incarceration rate among Aboriginal young adults in Alberta without a high school diploma and employment was 46.1 per 1,000 compared to 2.4 per 1,000 population for those with a high school diploma and a job (Table 7). The same pattern is seen in the other jurisdictions and also among non-Aboriginals. The fact that persons without a diploma and without employment account for a greater proportion of the Aboriginal population could be contributing to the higher overall incarceration rates among Aboriginal adults.

High proportions of Aboriginal adults without a high school diploma and employment contribute to the overall incarceration rates among Aboriginal young adults

As mentioned above, young adults without a high school diploma or employment are more at risk of committing crimes that lead to being incarcerated. Overall, these characteristics exist among a higher proportion of the Aboriginal population than of the non-Aboriginal population. As such, with the high incarceration rates among this population, these characteristics play a role in the overall incarceration rate among Aboriginal adults aged 20 to 34 years.

For example, in Alberta, the overall incarceration rate among Aboriginal adults aged 20 to 34 years was 9.3 times higher than the overall rate among non-Aboriginal young adults (15.5 versus 1.7 per 1,000 population) (Table 7 and Chart 2). However, when comparing Aboriginal adults and non-Aboriginal adults with the same education and employment characteristics, the incarceration rates among Aboriginal adults were 3.3 to 5.1 times higher. In short, these socio-economic characteristics reduced the difference in incarceration rates of adults aged 20 to 34 by half in Alberta. A similar pattern occurs in Saskatchewan (Table 7). Still, even when comparing persons with the same characteristics, incarceration rates for Aboriginal young adults remain higher than those of their non-Aboriginal counterparts.

Chart 2
Incarceration rate on Census Day, by employment and education status, population aged 20 to 34, Alberta, May 16, 2006



Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey and 2006 Census of Population.

Education appears to have more influence than employment on incarceration rates in Saskatchewan and Alberta

Of the jurisdictions for which data are available, having a high school diploma has a greater impact on incarceration rates for Aboriginal young adults than does employment in Saskatchewan and Alberta. For instance, in Saskatchewan, the incarceration rate among Aboriginal young adults with a high school education but without a job was approximately four times lower than the rate among those with a job but without a high school diploma (9.9 versus 41.4 per 1,000) (Table 7). In Alberta, the rate among those with a high school diploma but without a job was almost three times lower than the rate among those with a job but without a high school diploma.

Employment characteristics have a greater impact on the incarceration rate of non-Aboriginal adults in Saskatchewan

While education and employment characteristics have an influence on the representation of Aboriginal adults aged 20 to 34 in custody, employment characteristics seem to have a greater effect with the non-Aboriginal population, particularly in Saskatchewan. Among persons with no high school diploma, the Census Day incarceration rate for non-Aboriginal adults aged 20 to 34 years decreases from 9.9 per 1,000 among those not employed to 2.7 per 1,000 among those employed. Among Aboriginal adults, the rate also declines, but the change is less notable as it decreases from 48.8 per 1,000 among those without employment to 41.4 per 1,000 among the employed.

In fact, an examination of the ratios between the incarceration rates for Aboriginal adults and non-Aboriginal adults reveals that Aboriginal adults without a diploma or employment have an incarceration rate that is 4.9 times higher than that of their non-Aboriginal counterparts. The incarceration rate among Aboriginal adults aged 20 to 34 also without a diploma but with employment is about 15 times that of their non-Aboriginal counterparts.

In brief, for both Aboriginal and non-Aboriginal adults aged 20 to 34, the Census Day incarceration rate declines as the education and employment situation improves, but it decreases more rapidly among non-Aboriginal adults. This is again another indication that other factors also have an influence on the representation of Aboriginal adults in custody.

Even when accounting for education and employment, Aboriginal young adults remain more represented in custody than their non-Aboriginal counterparts

Education and employment characteristics help to explain some of the representation of Aboriginal adults in custody. However, the incarceration rates for Aboriginal adults aged 20 to 34 still remain higher than for their non-Aboriginal counterparts even when high school graduation and employment are considered.

For instance, for every 1,000 Aboriginal adults in Alberta aged 20 to 34 with a high school diploma and employed as of Census Day, there were 2.4 with the equivalent characteristics in prison. Among their non-Aboriginal counterparts, the rate was 0.6. In addition, the incarceration rates for Aboriginal populations differ across the provinces (for which data exist). Other factors beyond education and employment, therefore, may also contribute to the representation of Aboriginal adults in custody. However, other indicators of socio-economic status, such as income, are not collected by the ICSS.

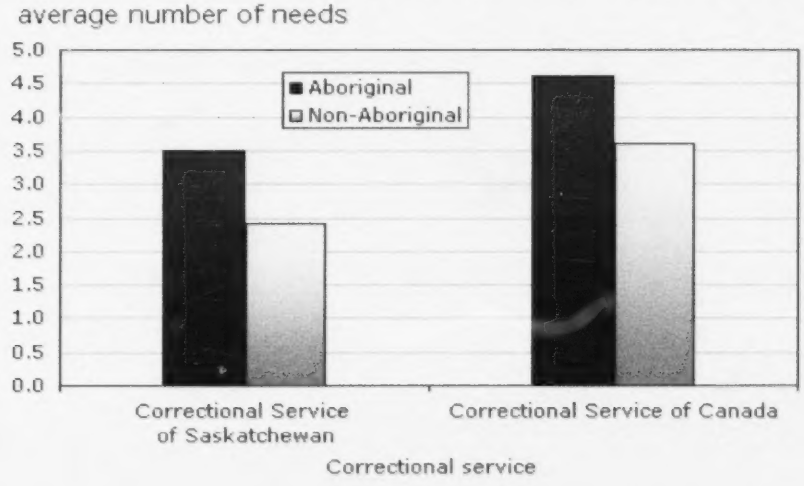
Aboriginal adults admitted to provincial custody in Saskatchewan or into a federal penitentiary have more rehabilitation needs than non-Aboriginal adults

Correctional services evaluate the needs of people entering into custody. These needs correspond to risk factors for re-offending, and to areas in need of improvement in order to increase the chances of successful re-integration into the community upon release. Data on these needs could therefore provide further information on the factors that could also contribute to the representation of Aboriginal adults in custody.

Among the different types of needs that are assessed by correctional services, the ICSS collects data on needs in these areas: employment, marital/family relationships, social interaction, substance abuse, community functioning, personal/emotional status, and attitude. Presently, these data are only reported by Saskatchewan and the Correctional Service of Canada to the ICSS.[3]

In 2007/2008, Aboriginal adults entering custody in Saskatchewan or entering a federal penitentiary were assessed as having, on average, a higher number of needs than were non-Aboriginal adults (Chart 3).

Chart 3
Average number of needs by Aboriginal identity, 2007/2008



Note: Represents individuals who were assessed as having either medium or high needs. For those who were admitted more than one time during the fiscal year 2007/2008, information is based on the most recent admission.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey, 2007-2008.

Moreover in almost all areas of assessment, a greater proportion of Aboriginal adults were assessed as having medium to high need as compared to non-Aboriginal adults. For example, in Saskatchewan, 81% of Aboriginal adults were found to have a need in the area of substance abuse, compared to 58% of non-Aboriginal adults (Table 8). Among those admitted to federal custody in Canada, the same was true for 82% of Aboriginal adults and 67% of non-Aboriginal adults. Some studies have noted that resolving substance abuse problems may be an important element in reducing the risk of criminal behaviour (Heckbert and Turkington, 2002).

Research also indicates that strong family support could be another important element in reducing the risk of criminal behaviour (Heckbert and Turkington, 2002). Data indicate that, as a proportion, Aboriginal adults are more often assessed as having a need in the area of marital/family relationships. In Saskatchewan, 48% of Aboriginal adults were seen as having a need in this area, compared to 33% of non-Aboriginal adults (Table 8). Among those admitted to custody by the Correctional Service of Canada, these proportions were 51% for Aboriginal adults and 32% for non-Aboriginal adults.

Likewise, higher proportions of Aboriginal adults were assessed as having needs in the areas of social interaction, attitude, employment and community functioning (Table 8).

The needs assessments suggest that a higher proportion of Aboriginal adults could be at risk of re-offending and possibly returning to correctional services—a factor that could contribute to the representation in custody (Johnson, 2005).

Summary

The representation of Aboriginal adults in custody has historically been, and continues to be, higher than their representation in the overall population. The gap in socio-economic conditions between Aboriginal and non-Aboriginal people has frequently been presented as context to this representation. Analysis of Census and correctional services data from selected provinces suggests that age, while one of the strongest factors in criminal behaviour, may not be the strongest explanation for the representation of Aboriginal people in custody.

Rates of incarceration based on education and employment characteristics, on the other hand, suggest that a lack of a high school diploma and employment contribute to the representation of Aboriginal adults aged 20 to 34 in custody. Analysis also suggests that while education and employment may reduce an Aboriginal person's risk of incarceration, the risk still remains higher than for their non-Aboriginal counterparts. As such, factors other than education and employment are likely involved in the representation of Aboriginal offenders in custody. Other factors could include income, housing and criminal justice processes. Finally, information on the rehabilitative needs of Aboriginal offenders provides an indicator of risk factors for re-offending and returning to correctional services—factors that may also contribute to the representation of Aboriginal offenders in custody.

Detailed data tables

Table 1
Composition of the admissions to adult correctional services, 2006/2007 to 2007/2008

Type of admission	2006/2007		2007/2008		Percent change from 2006/2007 to 2007/2008
	number	percent	number	percent	percent
Custodial supervision					
Provincial and territorial sentenced custody	84,931	23.2	84,496	22.9	-0.5
Remand	151,095	41.3	154,178	41.8	2.0
Other temporary detention - provincial and territorial custody	16,693	4.6	17,689	4.8	6.0
Total provincial and territorial custody	**252,719**	**69.1**	**256,363**	**69.4**	**1.4**
Federal sentenced custody	5,175	1.4	5,083	1.4	-1.8
Total custodial supervision	**257,894**	**70.5**	**261,446**	**70.8**	**1.4**
Community supervision					
Probation	81,173	22.2	81,052	22.0	-0.1
Provincial parole	1,772	0.5	1,372	0.4	-22.6
Conditional sentences	17,394	4.8	17,528	4.7	0.8
Total provincial and territorial community supervision	**100,339**	**27.4**	**99,952**	**27.1**	**-0.4**
Community releases (Correctional Service of Canada)[1]	7,539	2.1	7,838	2.1	4.0
Total community supervision	**107,878**	**29.5**	**107,790**	**29.2**	**-0.1**
Total adult correctional services	**365,772**	**100.0**	**369,236**	**100.0**	**0.9**

1. This category represents movement from federal custody to federal conditional release and includes federal and provincial and territorial offenders released on day parole or full parole, and federal offenders released on statutory release. Offenders released on warrant expiry and other release types are excluded.
Note: Due to missing data, values exclude Prince Edward Island, the Northwest Territories and Nunavut.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Correctional Services Survey and Integrated Correctional Services Survey.

Table 2
Number of admissions to custody by province and territory, 2006/2007 and 2007/2008

Province and territory	2006/2007	2007/2008	Percent change from 2006/2007 to 2007/2008
	number		percent
Newfoundland and Labrador			
Sentenced custody[1]	1,025	982	-4.2
Remand	503	515	2.4
Total custody[2]	**1,641**	**1,588**	**-3.2**
Prince Edward Island			
Sentenced custody[1]	..	771	..
Remand	..	199	..
Total custody[2]	**..**	**2,680**	**..**
Nova Scotia			
Sentenced custody[1]	1,797	1,823	1.4
Remand	2,557	3,132	22.5
Total custody[2]	**4,639**	**5,236**	**12.9**
New Brunswick			
Sentenced custody[1]	2,385	2,299	-3.6
Remand	1,791	1,985	10.8
Total custody[2]	**4,898**	**5,088**	**3.9**
Quebec			
Sentenced custody[1]	7,548	7,288	-3.4
Remand	28,240	29,610	4.9
Total custody[2]	**39,527**	**40,808**	**3.2**
Ontario			
Sentenced custody[1]	31,909	31,870	-0.1
Remand	64,986	65,299	0.5
Total custody[2]	**100,880**	**101,934**	**1.0**
Manitoba			
Sentenced custody[1]	3,587	3,610	0.6
Remand	9,479	9,643	1.7
Total custody[2]	**19,704**	**19,766**	**0.3**
Saskatchewan			
Sentenced custody[1]	3,500	3,337	-4.7
Remand	5,722	6,070	6.1
Total custody[2]	**9,408**	**9,617**	**2.2**
Alberta			
Sentenced custody[1]	23,244	22,789	-2.0
Remand	23,592	23,338	-1.1
Total custody[2]	**47,848**	**47,232**	**-1.3**
British Columbia			
Sentenced custody[1]	9,747	10,267	5.3
Remand	13,849	14,173	2.3
Total custody[2]	**23,596**	**24,440**	**3.6**

See notes at the end of the table.

Table 2 (continued)
Number of admissions to custody by province and territory, 2006/2007 and 2007/2008

Province and territory	2006/2007	2007/2008	Percent change from 2006/2007 to 2007/2008
	number		percent
Yukon			
Sentenced custody[1]	189	231	22.2
Remand	376	413	9.8
Total custody[2]	**578**	**654**	**13.1**
Northwest Territories			
Sentenced custody[1]	440	481	9.3
Remand	279	391	40.1
Total custody[2]	**720**	**872**	**21.1**
Nunavut			
Sentenced custody[1]	..	..	..
Remand	..	..	..
Total custody[2]	**..**	**..**	**..**

1. Provincial and territorial sentenced custody.
2. Includes other temporary detention.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Correctional Services Survey and Integrated Correctional Services Survey.

Table 3
Aboriginal people as a proportion of admissions to adult custody, probation and conditional sentence, selected jurisdictions, 1998/1999 to 2007/2008

	Custody							Community	
	Remand[1]			Provincial and territorial sentenced custody[2]			Federal custody	Probation[5]	Conditional sentence[6]
	Male[3]	Female[3]	Total[4]	Male[3]	Female[3]	Total[4]	Total	Total	
Year	percent								
1998/1999	16	17	16	13	17	13	18	..	..
1999/2000	17	19	17	14	18	14	17	..	..
2000/2001	18	20	18	15	18	15	18	15	18
2001/2002	15	20	15	15	20	15	18	14	17
2002/2003	16	20	16	16	21	16	18	13	17
2003/2004	16	25	17	17	21	17	18	14	17
2004/2005	16	20	16	17	21	17	18	15	18
2005/2006	16	21	17	18	22	18	19	16	18
2006/2007	16	20	17	18	23	18	19	16	20
2007/2008	16	22	17	17	24	18	18	16	19

1. Due to missing data, values exclude data from Newfoundland and Labrador, Prince Edward Island, New Brunswick, Alberta, the Northwest Territories and Nunavut.
2. Includes intermittent sentences. Due to missing data, values exclude data from Newfoundland and Labrador, Prince Edward Island, New Brunswick, Alberta, the Northwest Territories and Nunavut.
3. Percentages based on admissions excluding those where sex and Aboriginal identity were unknown.
4. Total includes admissions where sex was not stated.
5. Due to missing data, values exclude Prince Edward Island, Alberta, the Northwest Territories and Nuvavut.
6. Due to missing data or a large proportion of "unknown" reported for Aboriginal Identity, values exclude Newfoundland and Labrador, Prince Edward Island, Alberta, the Northwest Territories and Nunavut.
Note: Percentages based on admissions excluding those where Aboriginal identity was unknown.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Correctional Services Survey and Integrated Correctional Services Survey.

Table 4
Aboriginal people as a proportion of admissions to remand, provincial and territorial sentenced custody, probation and conditional sentence, by jurisdiction, 2007/2008

Province and territory	Remand	Provincial and territorial sentenced custody[1]	Probation	Conditional sentence	Adult general population (18 years and older)[2]
	percent Aboriginal				
Newfoundland and Labrador	23	21	..	23	4
Prince Edward Island	6	1	..	..	1
Nova Scotia	9	7	5	7	2
New Brunswick	9	8	8	11	2
Quebec	4	2	6	5	1
Ontario	9	9	9	12	2
Manitoba	66	69	56	45	12
Saskatchewan	80	81	70	75	11
Alberta	36	35	24	16	5
British Columbia	20	21	19	17	4
Yukon	78	76	66	62	22
Northwest Territories	85	86	..	..	45
Nunavut	..	..	97	97	78

1. Includes intermittent sentences.
2. Proportion is based on data from the 2006 Census.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Correctional Services Survey, Integrated Correctional Services Survey and 2006 Census of Population.

Table 5
Number of Aboriginal and non-Aboriginal people admitted to adult custody, by most serious offence, Newfoundland and Labrador, Nova Scotia, New Brunswick, Ontario, Saskatchewan and Alberta, 2007/2008

Most serious offence	Aboriginal	Non-Aboriginal	Aboriginal	Non-Aboriginal
	number		percent	
Violent offences	9,426	32,032	28	25
Serious violent offences[1]	3,621	8,546	11	7
Sexual offences	944	3,203	3	2
Robbery	1,229	4,669	4	4
Common assault	2,268	6,741	7	5
Other violent offences[2]	1,364	8,873	4	7
Property offences	7,679	31,574	23	24
Break and enter	2,061	7,297	6	6
Theft and possession of property	2,519	9,323	8	7
Fraud	758	5,072	2	4
Other property offences[3]	2,341	9,882	7	8
Offences against the Administration of Justice	6,978	27,750	21	22
Breach of probation	3,270	11,463	10	9
Other offences against the Administration of Justice	3,708	16,287	11	13
Other *Criminal Code* offences (excludes traffic)	3,480	14,525	10	11
Criminal Code - traffic offences	1,475	5,571	4	4
Drug offences	573	7,038	2	5
Other offences[4]	3,626	10,460	11	8
Total	**33,237**	**128,950**	**100**	**100**

1. Includes homicide, attempted murder and major assault.
2. Includes violations involving the deprivation of freedom and violations involving violence or the threat of violence.
3. Includes mischief and arson.
4. Includes federal statute offences, provincial and territorial offences, municipal by-law infractions and unknown offences.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey.

Table 6
Number and rate of incarcerated Aboriginal and non-Aboriginal adults aged 20 or older, by age group, selected jurisdictions, May 16, 2006

	Aboriginal			Non-Aboriginal			Ratio between the Aboriginal and non-Aboriginal incarceration rates
	Aboriginal in custody	Aboriginal in the general population	Incarceration rate on Census Day	Non-Aboriginal in custody	Non-Aboriginal in the general population	Incarceration rate on Census Day	
Age groups	number		rate per 1,000 population	number		rate per 1,000 population	ratio
Atlantic provinces[1]							
20 to 24 years	38	5,065	7.5	266	126,760	2.1	3.6
25 to 34 years	43	8,450	5.1	390	241,425	1.6	3.2
35 to 44 years	27	10,175	2.7	315	312,485	1.0	2.6
45 to 54 years	8	9,560	0.8	162	342,780	0.5	1.8
55 and over	5	9,430	0.5	65	570,965	0.1	4.7
All ages	**121**	**42,680**	**2.8**	**1,198**	**1,594,415**	**0.8**	**3.7**
Ontario							
20 to 24 years	219	18,540	11.8	1,929	775,900	2.5	4.8
25 to 34 years	309	33,680	9.2	2,770	1,495,910	1.9	5.0
35 to 44 years	219	37,930	5.8	2,633	1,869,630	1.4	4.1
45 to 54 years	62	33,720	1.8	1,223	1,818,575	0.7	2.7
55 and over	8	31,960	0.3	372	2,873,185	0.1	1.9
All ages	**817**	**155,830**	**5.2**	**8,927**	**8,833,200**	**1.0**	**5.2**
Saskatchewan							
20 to 24 years	319	11,975	26.6	56	54,790	1.0	26.1
25 to 34 years	423	19,350	21.9	109	92,730	1.2	18.6
35 to 44 years	310	17,825	17.4	84	109,295	0.8	22.6
45 to 54 years	112	13,685	8.2	56	131,400	0.4	19.2
55 and over	20	12,345	1.6	21	227,905	0.1	17.6
All ages	**1,184**	**75,180**	**15.7**	**326**	**616,120**	**0.5**	**29.8**
Alberta							
20 to 24 years	260	16,545	15.7	442	233,570	1.9	8.3
25 to 34 years	440	28,745	15.3	694	443,865	1.6	9.8
35 to 44 years	297	26,530	11.2	527	476,365	1.1	10.1
45 to 54 years	69	20,435	3.4	250	489,085	0.5	6.6
55 and over	21	17,830	1.2	67	634,575	0.1	11.2
All ages	**1,087**	**110,085**	**9.9**	**1,980**	**2,277,460**	**0.9**	**11.4**
Correctional Service of Canada							
20 to 24 years	521	93,900	5.5	1,418	1,977,995	0.7	7.7
25 to 34 years	1,010	161,575	6.3	3,400	3,825,500	0.9	7.0
35 to 44 years	844	169,465	5.0	3,808	4,624,630	0.8	6.0
45 to 54 years	432	143,285	3.0	2,545	4,808,125	0.5	5.7
55 and over	176	137,555	1.3	1,821	7,586,265	0.2	5.3
All ages	**2,983**	**705,780**	**4.2**	**12,992**	**22,822,515**	**0.6**	**7.4**

1. Includes New Brunswick, Nova Scotia and Newfoundland and Labrador.
Note: Ratios are based on unrounded rates.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey and 2006 Census of Population.

Table 7
Number and rate of incarcerated Aboriginal and non-Aboriginal adults aged 20 to 34, by employment and education status, selected jurisdictions, May 16, 2006

	Aboriginal			Non-Aboriginal			Ratio between the Aboriginal and non-Aboriginal incarceration rates
Employment and education status	Aboriginal in custody	Aboriginal in the general population	Incarceration rate on Census Day	Non-Aboriginal in custody	Non-Aboriginal in the general population	Incarceration rate on Census Day	
	number		rate per 1,000 population	number		rate per 1,000 population	ratio
New Brunswick and Nova Scotia[1]							
Without a diploma	12	1,980	6.0	109	32,365	3.4	1.8
With a diploma	29	6,570	4.4	384	251,280	1.5	2.9
Without employment	30	3,465	8.6	345	70,535	4.9	1.8
With employment	11	5,085	2.2	154	213,110	0.7	3.0
Overall population aged 20 to 34	41	8,550	4.8	499	283,645	1.8	2.7
Saskatchewan							
Without a diploma, without employment	420	8,610	48.8	46	4,660	9.9	4.9
Without a diploma, with employment	147	3,550	41.4	36	13,170	2.7	15.1
With a diploma, without employment	75	7,590	9.9	29	21,475	1.4	7.3
With a diploma, with employment	50	11,575	4.3	36	108,205	0.3	13.0
Overall population aged 20 to 34	692	31,325	22.1	147	147,510	1.0	22.2
Alberta							
Without a diploma, without employment	388	8,425	46.1	333	23,640	14.1	3.3
Without a diploma, with employment	204	8,165	25.0	348	67,450	5.2	4.8
With a diploma, without employment	55	6,655	8.3	154	94,720	1.6	5.1
With a diploma, with employment	53	22,045	2.4	285	491,620	0.6	4.1
Overall population aged 20 to 34	700	45,290	15.5	1,120	677,430	1.7	9.3

1. Due to small numbers for Nova Scotia and New Brunswick, education and employment status were not combined.
Note: "Without employment" refers to all persons who did not have employment including those who are unemployed, inactive and on disability. "Diploma" refers to a high school diploma or higher. Ontario and the Correctional Service of Canada are excluded from this table due to insufficient data on education level and employment reported to the Integrated Correctional Services Survey.
Ratios are based on unrounded rates.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey and 2006 Census of Population.

Table 8
Proportion of Aboriginal and non-Aboriginal adults admitted to custody and assessed as having needs, by the type of need, Saskatchewan and Correctional Service of Canada, 2007/2008

	Saskatchewan Correctional Service		Correctional Service of Canada	
Type of need	Aboriginal	Non-Aboriginal	Aboriginal	Non-Aboriginal
	percent			
Employment	63	33	73	49
Marital/family relationships	48	33	51	32
Social interaction	76	51	72	61
Substance abuse	81	58	82	67
Community functioning	..	..	39	27
Personal or emotional	10	8	82	72
Attitude	71	52	58	55
Average number of needs	3.5	2.4	4.6	3.6

Note: Represents individuals who were assessed as having either medium or high needs. For those who were admitted more than one time during the fiscal year 2007/2008, information is based on the most recent admission.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey.

Endnotes

1. Excludes Prince Edward Island and Nunavut due to missing data.
2. Excludes people living in institutions.
3. Each correctional service has its own methods and criteria for assessing needs. Therefore, comparisons between jurisdictions should be made with caution.

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